

E-FILED on 02/18/09

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

TOKYO ELECTRON LIMITED,

Plaintiff,

v.

SPANSION, INC.,

Defendants.

No. C-09-00502 RMW


ORDER GRANTING MOTION TO
SHORTEN TIME IN WHICH TO HEAR
APPLICATION FOR RIGHT TO ATTACH
ORDER
[Re Docket No. 19]

On February 6, 2009, plaintiff Tokyo Electron Limited ("TEL") moved to proceed *ex parte* in their application for a right to attach order against Spansion, Inc. ("Spansion"). On February 10 the court denied the motion, finding that TEL had not showed that grievous harm or irreparable injury would occur if Spansion were given notice. On February 11, 2009, TEL moved again *ex parte* for an accelerated hearing. The court again denied the motion, finding no justification for permitting TEL to proceed *ex parte*. It now appears that Spansion has been properly served, though Spansion has yet to enter an appearance, and as of their last filing TEL states that they have not received any response from Spansion.

Spanson does appear to be having financial problems, and there is some indication that those problems are worsening. The court therefore grants TEL's motion to shorten time in which to hear the application for right to attach order. The parties shall appear for a hearing on the application at 9:00 a.m. on Friday, February 27, 2009. Spansion's shall file an opposition to the application for a right to attach order by Wednesday, February 25, 2009. TEL must serve Spansion with a copy of this order by Friday, February 20, 2009 by overnight mail at both of the following addresses:

C.T. Corporation Systems, on behalf of Spansion, Inc. 818 W. 7th Street, Los Angeles, CA 90017	ATTN: Legal Department Spansion, Inc. 915 DeGuigne Drive Sunnyvale, CA 94085
---	---

DATED: 02/18/09


RONALD M. WHYTE
United States District Judge

1 **Notice of this document has been sent to:**

2 **Counsel for Plaintiff:**

3 Daniel J. Herling herling@khlaw.com

4 **Process Receiver for Spansion, Inc.:**

5 C.T. Corporation Systems, on behalf of Spansion, Inc.
6 818 W. 7th Street, Los Angeles, CA 90017

7 Counsel are responsible for distributing copies of this document to co-counsel that have not
8 registered for e-filing under the court's CM/ECF program.

9
10 **Dated:** 02/18/09

JAS
11 **Chambers of Judge Whyte**

United States District Court
For the Northern District of California